

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHARLIE BUSH,	)	
	)	
Plaintiff,	)	4:05cv3262
	)	
vs.	)	ORDER
	)	
OFFICER SPUALK, et al.,	)	
	)	
Defendants.	)	

The court previously considered the plaintiff's motion for leave to proceed in forma pauperis ("IFP") while the plaintiff was a prisoner. However, the court has recently received notice from the Lancaster County Jail that the plaintiff has been released from that institution. A prisoner who is released from custody after filing a civil complaint may file a motion for leave to proceed IFP based on the changed circumstances caused by release from prison. If IFP status is then granted, the plaintiff is relieved of any liability for the balance of the filing fee. See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners."). Therefore, the plaintiff shall now file a new motion for leave to proceed IFP.

IT IS THEREFORE ORDERED:

1. That the Clerk of the Court shall send the plaintiff the form for requesting leave to proceed IFP;
2. That the plaintiff shall complete the form and return it to the court by December 27, 2005, in the absence of which this case may be subject to dismissal without prejudice for failure to prosecute this case with diligence; and
3. That the plaintiff shall keep the court informed of his current address at all times while this case is pending; as failure to do so could result in dismissal.

DATED this 5<sup>th</sup> day of December, 2005.

BY THE COURT:

s/F.A. GOSSETT  
United States Magistrate Judge